

Serial No. 10/648,805

Attorney Docket No. 14-018

**REMARKS**

Claims 1-32 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

The specification has been amended to correct a typographical error.

Claims 1-32 were rejected under 35 USC 112, second paragraph, as being indefinite. The applicants respectfully request that this rejection be withdrawn for the following reasons.

The office action states that the phrase "the speed of the vehicle becomes a predetermined target creep speed which is substantially equivalent to a creep speed" of claim 1 is verbose, indefinite and confusing. Claim 1 has been amended to clarify this phrase. Claim 1 now recites that "... the speed of the vehicle becomes a predetermined target speed which is substantially equivalent to a creep speed." Furthermore, a definition of "creep speed" has been added to claim 1. This definition is from the paragraph that begins on line 10 of page 3 of the specification. These changes are considered to remove any indefiniteness that existed in claim 1; therefore, this rejection should be withdrawn.

The office action states that a section of claim 2 did not make sense. Claim 2 has been clarified by rewording several of the clauses. Also, as in claim 1, a definition of creep speed has been introduced in claim 2. These changes are considered to remove any indefiniteness that existed in claim 2; therefore, this rejection should be withdrawn.

The applicants have introduced a definition of "creep speed" in the claims to further the prosecution. However, this term is well known in automotive and vehicle arts. A keyword search of the US patent database shows that this term has been used in other patent applications

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in the automotive arts. Further, the term can be understood from the specification. Therefore, the examiner should have given meaning to this term in the previous examination.

Claims 1-32 were rejected under 35 USC 102(b) as being anticipated by Kajiwara. The applicants respectfully request that this rejection be withdrawn for the following reasons.

With the present invention, unlike the prior art, the driver will experience the creep speed without concern for the gradient of the road surface. Therefore, starting the vehicle will be easier and the driver will always experience the creep phenomenon, which drivers tend to like, even on gradients. Further, when the driver intends to stop the vehicle and maintain a stop, stopping from the creep speed is smoother. Therefore, it is easier for a driver to stop at a given target position on an inclined road surface.

The patent to Kajiwara discloses a device that maintains vehicle speed when the accelerator pedal or the brake is not operated. Therefore, the vehicle speed simply remains at the speed at which the driver stopped pressing the brake pedal or the accelerator. Thus, the vehicle can be moving at a rapid speed such as a highway speed when this occurs. Thus, the patent to Kajiwara essentially discloses a cruise control device, but the speed maintained during the control period depends on the speed of the vehicle when the driver stops pressing a pedal.

It is a primary object of the Kajiwara invention to permit the driver to arbitrarily set the cruising speed. See column 1, lines 21-24 and column 2, lines 65 through column 3, line 2. The present invention has no such goal and is thus fundamentally different from the Kajiwara device. More particularly, the device of Kajiwara is significantly different from the device of claim 1, because the target speed is not a value within a fixed range, as claimed. In the patent to Kajiwara, the speed is arbitrarily set by the driver and is determined by the speed of the vehicle when the

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driver chooses not to press a pedal. Therefore, the device of Kajiwara fails to satisfy the terms of claim 1.

Also, claim 1 calls for a target speed that is substantially equivalent to a creep speed. Creep speed is defined as being substantially equivalent to a speed that results from a creep phenomenon of the vehicle transmission. That is, the vehicle is merely creeping along during the control period of claim 1, and the target speed must be a creep speed. In the device of Kajiwara, the target speed is not necessarily a creep speed, and therefore the Kajiwara disclosure fails to satisfy the requirements of claim 1. See for example column 2, line 65 through column 3, line 2.

As for claim 2, the device of Kajiwara is significantly different from the claimed device, because the driver determines the speed that is maintained. That is, in Kajiwara, the driver determines the target speed by choosing not to depress any pedal at a particular speed. However, in the device of claim 2, the driver has no role in determining the target speed. Claim 2 requires that the target creep vehicle speed is set by a target creep vehicle speed setting unit.

Also, claim 2 differs from the device of Kajiwara because the first and second target speeds in claim 2 must be substantially equivalent to a creep speed. As in claim 1, creep speed has been defined in claim 2. In the Kajiwara patent, as mentioned above, the target speed is arbitrary and is not necessarily a creep speed.

Entry of this amendment is respectfully requested, since the amendments to the claims are for overcoming a section 112 rejection and thus reduce the number of issues.

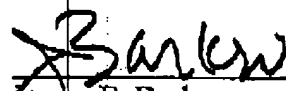
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In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

  
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